



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: TAKAYAMA=10

In re Application of:) Art Unit: 1616
H. TAKAYAMA et al.)
Appln. No.: 10/069,481) Examiner: S. Qazi
Filed: February 22, 2002) Washington, D.C.
For: 2-SUBSTITUTED VITAMIN D...) Confirmation No. 3430
October 27, 2004

PETITION TO REVIVE PATENT APPLICATION UNDER 37 C.F.R. §1.137(b)

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Petition
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

Applicants, through their undersigned attorney,
hereby petition for revival of the above-identified application
in accordance with the terms of 37 C.F.R. §1.137(b). The
above-identified application became abandoned for failure to
file a Brief on Appeal subsequently to the Notice of Appeal
filed March 23, 2004.

Under 37 C.F.R. §1.137(b), a petition to revive an
unintentionally abandoned application must be accompanied by
(1) a statement that the delay was unintentional, (2) a
proposed response unless it has been previously filed, and (3)
a fee in the amount of \$ 1370.00 in accordance with 37 C.F.R.
§1.17(m).

(1) Applicant, through undersigned counsel, hereby states that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional.

(2) A continuation application was filed October 25, 2004, as a response to continue prosecution of the present application.

(3) The petition fee of \$1370.00 as set forth in 37 C.F.R. §1.17(m), is attached hereto.

Granting of this petition and forwarding of the application to the examiner for further action is earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: H. TAKAYAMA, et al.

Application No.: 10/069,481

Filed: February 22, 2002

For: 2-SUBSTITUTED VITAMIN D...



Art Unit: 1616

Examiner: S. Qazi

Washington, D.C.

Atty.'s Docket: TAKAYAMA=10

Date: October 27, 2004

Confirmation No. 3430

THE COMMISSIONER OF PATENTS
2011 South Clark Place, Mail Stop Petition
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

Transmitted herewith is a [] Amendment [XX] PETITION TO REVIVE in the above-identified application.

[] Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a verified statement previously submitted.

[] Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

[XX] Fee for Petition to Revive \$1370.00.

The fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	*	MINUS ** 20	0
INDEP.	*	MINUS *** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			

ADDITIONAL FEE TOTAL

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 9	\$
x 44	\$
+ 150	\$
ADDITIONAL FEE TOTAL	

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 18	\$
x 88	\$
+ 300	\$
TOTAL	

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- [] First - \$ 55.00
- [] Second - \$ 215.00
- [] Third - \$ 490.00
- [] Fourth - \$ 765.00

Month After Time Period Set

[] Less fees (\$_____) already paid for ____ month(s) extension of time on _____.

Other Than Small Entity

Response Filed Within

- [] First - \$ 110.00
- [] Second - \$ 430.00
- [] Third - \$ 980.00
- [] Fourth - \$ 1530.00

Month After Time Period Set

[] Please charge my Deposit Account No. 02-4035 in the amount of \$_____.

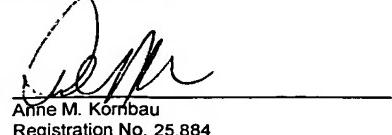
[XX] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$1370.00.

[] A check in the amount of \$_____ is attached (check no.).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

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